

# Notice of Allowability

Application No.

09/854,463

Examiner

Erick Rekstad

Applicant(s)

HANNUKSELA ET AL.

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed December 26, 2007.
2. ☒ The allowed claim(s) is/are 15-21 and 23-75.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 12/26/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

This is a Notice of Allowance for Application no. 09/854,463 in response to the RCE filed on December 26, 2007.

#### ***Allowable Subject Matter***

Claims 15-21 and 23-75 are allowed.

The following is an examiner's statement of reasons for allowance:

The claims are allowable over the prior art of record since the cited reference taken individually or in combination fails to particularly disclose a method or apparatus of encoding and decoding a video signal as claimed. The closest prior art ('Concealment techniques for data-reduced HDTV recording' by Kharatichvili et al.) discloses a similar method and apparatus for encoding and decoding video signals. Kharatichvili teaches a HDTV encoding and decoding process for recording on a VCR wherein a mode decision flag is added to the bitstream for controlling error concealment during the decoding process (Pages 178-179).

In regards to claims 15, 21, 23, 26, 27, 28, 63, 64, 74 and 75, Kharatichvili teaches the use of an encoded video signal indicator but is silent on the use of a separate error concealment method indicator which is provided in the encoded video signal. This feature taken with the others in the claims define over the prior art.

In regards to claims 19, 35, 46, and 53, Kharatichvili is silent on the use of H.263 and the inclusion of the error concealment indicator in the Supplemental Enhancement Information. This feature taken with the others in the claims define over the prior art.

In regards to claims 29, 36, 41-44, 47, 54, and 59-62, Kharatichvili and Reed (US Patent 6,351,493) are silent on the use of the indicator as a "scene identifier associated with the scenes, the scene identifier having the same value for all pictures of a scene, the scene identifier having a different value for each different scene" as required by claims 29, 36, 47, 54, and 59-62. Kharatichvili and Reed are further silent on the decoding method wherein "scene indicator for the picture with a scene indicator for a temporally neighboring correctly decoded picture and, if the scene indicator for the picture is the same as the scene indicator for the temporally neighboring correctly decoded picture, applying a temporally predictive error concealment algorithm in the decoding process for the picture " as required by claims 41-44. These features taken with the others in the claims define over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone

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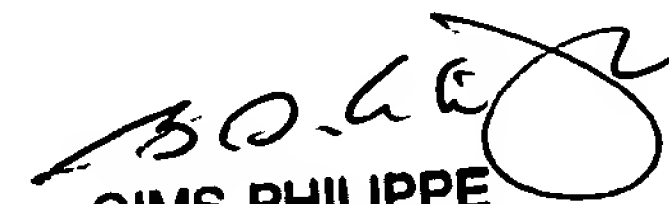
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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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